

# SUBMISSION TO HOME AFFAIRS SELECT COMMITTEE – COCAINE TRADE

**Release is the national centre of expertise on drugs and drugs law – providing free and confidential specialist advice to the public and professionals.**

Release's submission is based on evidence obtained through the provision of our services; our campaigns and the experience and expertise of the staff at the organisation.

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## **1. Is cocaine powder now a street-drug rather than one used by the relatively well-to-do?**

Cocaine has always been a two-profile drug. Over recent years this has become more pronounced with the different 'markets' for the drug covering a wider spectrum. As the Committee will be aware, Drugscope Drug Trends Survey 2007 identified that there had become a very clear distinction in the two markets. The cheaper cocaine is heavily cut and the target market is those with a limited disposable income – certainly the number of young people using cocaine has increased (Hoare, J. & Flatley, J. Drug Misuse Declared: Findings from the British Crime Survey, October 2008, 23) The Drugscope survey confirmed that there could be a continued rise in the number of young people using cocaine. Those more affluent consumers are targeted with a higher quality form of the drug.

Cocaine has always had a two tier market – that market has simply increased therefore becoming more distinct. In reality, this means a greater availability of poor quality, adulterated cocaine.

It is worth noting that the term 'street' drug is generally used as a reference for all 'illegal' drugs – the difference in the two tier market and the supply routes are that the cheaper version is generally available in clubs and pubs whereas those purchasing the higher quality version will probably be able to rely on home deliveries. There is also some evidence that there is an increase in the numbers of 'well to do' using crack cocaine.

## **2. The influence of 'celebrity cocaine culture' as criticised in the UNODC's critical report on the UK last year.**

Whilst we are critical of the UNODC trivialising the drug debate in the UK, there is no evidence that young people are influenced by celebrity drug use (an Addaction survey in 2008 asked 500 young people whether Kate Moss, Pete Doherty or Amy Winehouse's drug use make taking drugs seem cool - 86 % said no: <http://www.addaction.org.uk/wp-content/uploads/2008/10/tale-of-two-generations.pdf>).

Mr Costa, the current head of the UNODC appears to be overly obsessed with this issue. He has often blamed the world drug problem on a handful of celebrities. Recently he even tried to blame celebrities for the problems West Africa is suffering as a result of becoming a transit area. We would suggest that this is a tactic to divert the press from the real issues, as they are prepared to print almost anything that involves a celebrity. This is apparent when one looks at the reporting of international drug policy within the UK. The release of the UNODC report, mentioning celebrities, got coverage in all the major newspapers and

mainstream media including BBC News and Sky News. Yet in March 2009 when governments from all over the world met at the UN to discuss the new ten year strategy, the media coverage was all but absent from the press (there were a couple of notable exceptions). This is despite the fact that the inclusion of ‘harm reduction’ was rejected because consensus could not be reached, which results in there being no obligation to provide clean needles and other life saving equipment to drug users.

To summarise, whilst the UNODC position is unhelpful, the media in the UK are responsible for ensuring this position can be maintained.

### **3. The effectiveness of advertising campaigns in deterring use**

Advertising campaigns telling young people that drugs are bad are ineffectual and fail to address the real issue such as the motivation for using. The latest government campaign against cocaine by FRANK using Pablo the dog became a popular You Tube clip for its comedy value and has fast become an iconic joke. We recommend that the Committee reviews the FRANK adverts on You Tube, and notes the comments being left by viewers (<http://www.youtube.com/watch?v=66c9mJm2Ewk>):

*“Theres a darker side to alcohol but they dont do an advert on that do they... lool Funny advert i completely forgot that stop using cociane [sic] was the message..”*

*“This advert is excellent but it just makes me want to go and do more coke, isnt that defeating the purpose?”*

The current advertising campaigns are only slightly more sophisticated than the widely discredited ‘just-say-No’ slogans of the last century. Many young people who witness their brothers, sisters or friends using cocaine socially do not identify with the strong negative image put out by FRANK as it does not accord with their experiences of a functional lifestyle.

Advertising campaigns should inform and educate – the message should include advice on how to stay safe when using drugs. The current ethos behind advertising campaigns is clearly one that aims to prevent people from using drugs, and this necessarily leads to the simplistic ‘don’t use cocaine’ message. Whilst this objective is valid, we strongly believe it would be strengthened if it were run alongside adverts that acknowledged that some people would choose to use cocaine anyway, and therefore advise on the safest environments to do so and precautions one should take in obtaining and using cocaine. Similarly, adverts that inform users what signs to look out for to identify when their cocaine use is becoming

problematic and who to turn to for support in such an eventuality would further enhance the credibility of

#### **4. Trends in the use of crack cocaine**

There are a number of trends that have emerged in recent years in respect of crack cocaine:

1. a reduction in the purity of crack cocaine
2. the rise in speedballing
3. the changing consumer & changing markets

##### *1. Purity of crack cocaine*

There are a couple of methods of turning powder cocaine into ‘free base’, one involves using an alkali in water to remove the impurities in order to obtain high purity crack cocaine, (occasionally ether is used in the initial preparation) This has traditionally been done by slowly heating the solution, which results in crack cocaine (a euphoric smokeable formulation) equal to the purity of the original cocaine (i.e. without the cutting agents). However, there seems to have been a shift in the market with producers now using quick methods of heating dampened powder in microwaves, this binds the alkali (bicarbonate) to the adulterated cocaine powder without washing out the impurities resulting in significantly reduced purity levels. Traditionally ‘freebase’ would be c.80% pure; currently crack is around half as pure by weight. The product is bulkier and buyers perceive that they are getting a bigger ‘rock’ for their money.

One of the reasons for this process is that the current market is serviced by ‘for profit’ dealers while the middle level ‘user-come-dealer’ who sells to support a habit, has declined. Since the dealer is motivated by profit only, the market has become less focussed on quality.

##### *2. Speedballing*

Speedballing is where a user ingests (usually intravenously) heroin and cocaine concurrently. The nature of the ‘speedball’ experience (in common with the crack piping experience) is a search for a constant ‘high’ and as cocaine is both quick acting and fast acting (ie. The effects take hold quickly and do not last long), this becomes a day/night-long repetitive cycle of frustration interspersed with short euphoric episodes lasting only as long as the drug succeeds in bombarding the receptors in the brain with the required neurotransmitter. As the experience is so intense many users will then drink, use

benzodiazepines and possibly cannabis to experience a come-down that is less overwhelmingly depressing and dysphoric.

Heroin and cocaine combine in that one is a stimulant and the other is a central nervous system depressant. They are used in combination as they complement the euphoric effects of each other. In 'open markets' they are often sold together; in some places it is very difficult to buy one without the other, as dealers are often reluctant to be left with an excess of one drug type since many injecting users demand both.

### 3. Crack cocaine market

It should be noted that "street drugs" is a term often used to describe any drug on the illicit market. In this context we are using "street" to denote drugs sold in small quantities in an open market, often to those "speedballing" by injection or to those purchasing individual rocks to smoke on a pipe.

The market for powdered cocaine in this sense of "street" is virtually non-existent. Powder cocaine is more likely to be available through a closed market, in the sense that the purchaser would need a personal introduction to the dealer and the drug would often need to be ordered in advance. This cocaine is usually of a higher quality. Another closed market could be within a club or pub where, again, an introduction of some kind would be needed, but quality is often less assured.

## **5. International collaboration: the responses of the producer countries**

We would contend that the most reliable information in this area has come from the Drugs and Democracy Commission which includes former presidents of Colombia, Mexico and Brazil and the former home affairs minister from Peru. None of this illustrious group is hampered by having to tow the official line and there is little reason to dispute what they say. Information can be found at:

<http://drugsanddemocracy.org/blog/archives/category/highlights>

It is notable that at this year's CND, Bolivia announced its intention to have coca removed from the Schedules of the 1961 convention.

## **6. International collaboration: effects on the transit countries**

Twenty-five years ago - cocaine found in the Caribbean was small amounts brought in by

tourists. There has always been a local cannabis trade that has never created any significant local problems, the plant is native to the island and grows wild in abundance. With prohibition forcing cocaine smugglers to seek less direct routes - the Caribbean was geographically perfect for this purpose. This has led to a local cocaine (largely crack) problem unimaginable twenty-five years ago and a spate of violence and incarceration that is destroying whole communities. The same thing is now happening in West African countries - as if absolutely nothing has been learned from the Caribbean experience.

*[Release has asked an external expert for his views on this issue: Professor Ben Bowling is professor of criminology and criminal justice at King's College London]*

The UK drugs strategy has failed to fulfil its promise to reduce the availability of cocaine in Britain, but in the Caribbean, drug prohibition has caused the problem that it set out to cure. Cocaine travels to the Caribbean islands because it is prohibited. Although there is a small domestic market, it pales in comparison with the hundreds of millions of potential consumers in North America, Europe and elsewhere. If coca leaf and its derivatives were legally traded commodities like Colombian coffee or bananas, the most efficient route to consumer markets in North America and Europe would be by plane or boat direct or through containerised shipping processes. Transshipment through the Caribbean – with complex sea and air connections, numerous intermediaries and many other risks and inefficiencies – are only worth the added expense and increased risks because the market is clandestine. It is not that interdiction has no effect. It does affect the behaviour of the traffickers in their choice of routes. However, it is widely agreed that interdiction tends to displace the trade – like stepping on a balloon. When you step on one place, the balloon bulges elsewhere.

In his prophetic book, the *Drug Takers* researched in the 1960s and published on the eve of the 1971 Misuse of Drugs Act, Jock Young predicted that the criminalization of marijuana in Britain would have the opposite results from those intended. Prohibition, he argued, would entrench and possibly even foster the popularity, availability and use of other drugs by linking marijuana markets with those for barbiturates and opiates. Young's predictions apply equally well to the Caribbean. Looking back at the 1960s, the pattern of drug use in the region included a relatively small number of people who used marijuana and very little else. The essence of Young's argument is that labelling something as criminal, invoking the forces of law and police intervention, has the effect of creating the problems they set out to solve, a process known as “deviancy amplification”. Young's starting point was the idea

first put forward by WI Thomas that “a situation defined as real in a society will be real in its consequences”.<sup>1</sup>

The Caribbean islands follow a similar pattern of unintended, but logically following consequences of the prohibition of drugs. Young argued that psychotropic and narcotic drugs – those consumed in the pursuit of pleasure or to change their mood drugs are – commodities. The intention of prohibition of these drugs is intended to wipe out their use altogether, and is justified by policy makers on the moral ground that they are evil and on the empirical ground that they damage the health of the user. Prohibitionists assume that users will be deterred by the threat of sanctions and the incorrigible traffickers will be deterred or incapacitated by law enforcement. If prohibition fails to achieve this goal and demand remains, a number of socially harmful consequences follow directly from the drug’s illegal status.

The illegality of drugs means that the only possible means of supply for those who choose to use them despite prohibition and the risk of getting caught, is through clandestine markets. In other words, prohibition creates a clandestine market. Penalties for the possession or supply of drugs means that only the most organized sellers in the market can survive the risks.<sup>2</sup> Therefore the clandestine markets based previously on kinship networks or by tourists travelling from one part of the world to another supplying extended families, so called ‘social supply’, gives way to ‘commercial supply’ and the creation of a highly organized segmented market. Strategic connections are made between growers, entrepreneurs connecting the growers to the trans-shippers.

The trans-shipment process requires equipment used for legitimate trades, such as boats and airplanes, people who can do packaging and boxing and driving, ferrying, banking, accountancy. Smuggling also requires relationships with law enforcement agents, therefore police, customs and airport security become corrupt. Businessmen have links with government ministers and civil servants and a wide range of people across civil society. Only the people who are most organized and who are most entrenched can survive the risks involved in trans-shipping drugs and therefore it becomes more of a business. Because they exist in the clandestine market, profits that can be made from drugs are much larger than normal commodities. This attracts previously disinterested members of society from all social classes to become involved in the trade. This includes the poorest and economically most vulnerable members of society ie. the workers who do the packing, warehousing, driving, piloting, couriering and other manual and semi-skilled work in the business. A

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<sup>1</sup> Young 1971, page 27

<sup>2</sup> Young 1971, page 57



significant section of the economy is involved in the drugs trade (published estimates have suggested 40% of Jamaica GNP), and all social classes and occupations – journalists, sports people, entertainers, embassy staff, airport baggage handlers – have been convicted of involvement in the drugs trade.

The clandestine nature of this market means that there is no possibility of access to formal systems of regulation and social control. In any business there are conflicts between the shippers and producers who have the interest of maximising the prices for their products. All of the middlemen have to be paid and require social control [since they don't have] access to the formal systems, to the courts, the police and so on. Informal systems of social control emerge within the market and these are based on violence and increasingly armed violence. Arming of street level operatives within the drugs trade has the effect of arming society more generally. Armed enforcers begin to identify themselves as soldiers who are prepared to kill for money and are also prepared to meet their own deaths.<sup>3</sup>

Clandestine markets require business involvement in international partnerships that would not be required in the case of a legal and traditional form of international trade. Hence the 'balloon effect' in which drugs traffic is displaced from Columbia to Central and South America, the Caribbean and Africa. The Caribbean islands have only become a trans-shipment point because of the prohibition of drugs and the use of law enforcement resources that have displaced a more efficient route to one that is less efficient and involves new locations. Trans-shipment through the Caribbean brought cocaine on the islands for the first time and then quickly became entrenched within the local markets with a resulting 'spill over' into local cocaine usage. Young argues that the intensifications of police action serve to increase the organization and cohesion of drug markets. The destruction of the Cali and Medellin cartels, however, had the effect of creating a much more complex network type of organization which involved smaller loose associations built around particular drug importation projects. Nonetheless, the key point is that police action has consequences for the shape and size and nature of the drugs markets within a particular place and in other places and their relationships between them.<sup>4</sup>

Trans-shipment becomes more systematized long term and concerned with large regular profits. International connections are forged by importers linking supply, trans-shipments and markets. The capital generated required to make the trans-shipment becomes very large and linked with other forms of organized crimes such as arms and people trafficking. The

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<sup>3</sup> Laurie Gunst, *Born fi' Dead: A Journey Through the Jamaican Posse Underworld*. New York: Henry Holt and Company. (1995)

<sup>4</sup> Reference Young 1971, page 45.



scale of profit, complexity of the business requires an increasingly powerful system of policing involving increasingly powerful weapons and we have seen battlefield weapons and routine use of side arms and a ruthlessness in their use which also has a prominence in the ruthless violence of organizations such as the mafia who it should also be pointed out are role models from many people who are in the organized client business. Tactical law enforcement successes have specific predictable (if unintended and unwanted consequences). The seizure of drugs removes profits which must then be recouped by more business activity and the repayment of debts and spark violent conflict. Arrest of low-level operatives are replaced by hitherto law abiding individuals. Post arrest intelligence gathering and cultivation of informers creates distrust within organizations and can lead to violent conflicts. Arrest of mid-level and upper level operatives destabilises markets and triggers internecine conflict.

These micro-social processes show how drug trafficking has become amplified in the Caribbean as prohibitionist policies have been pursued. One of the consequences of the emergence of a global narcotics prohibition regime has been the arming of drugs gangs and criminality over the same period. The most generous assessment is that cocaine has become available, and lethal violence has exploded *in spite of* the best efforts of law enforcement. A more challenging conclusion is that prohibition has caused the problems of armed violence, corruption and money laundering – while failing to solve the original purpose, namely repressing availability and reducing local consumption. However, I have reached the conclusion that the global drug prohibition regime has had the effect within the Caribbean of creating the problem that it sets out to cure – by bringing cocaine to the islands – and also producing unwanted side effects including high levels of homicidal violence.

The overwhelming emphasis on attempt to reduce the supply of cocaine to North America and Europe has skewed policy development and operational practice away from pressing security priorities such as firearm trafficking, natural and man-made disasters, food and water shortages, disease prevention and sustainable economic development. The resources spent on maintaining security forces tasked largely with the pursuit of drugs traffickers could have been used in these other spheres. Although the Caribbean counter-drug policy was originally developed to serve the interests of the countries of North America and Europe, it was hoped that this would achieve a mutual benefit to the Caribbean. If the availability of cocaine and levels of lethal violence are taken as indicators then it must be concluded that the region has not become safer and more peaceful as a result. Failure of this sort could be described as ‘policy iatrogenesis’, borrowing the medical term used to describe something that is induced unintentionally by a physician through his diagnosis or treatment.

*[Extract from Professor Benjamin Bowling's forthcoming book, 'Policing the Caribbean']*

## **7. International collaboration: the EU's external borders**

The EU is a big consumer of cocaine, and is targeted accordingly by international trafficking outfits. (Sources for the following are "Project Cola: EU Cocaine Situation Report", Europol September 2007, and the ECMDDA reports.)

Main routes for cocaine into EU are maritime, crossing the Atlantic in containers from South America to Spain and Portugal, and ports in Belgium, Italy and the Netherlands. Increasingly, as above, West Africa has become an important transshipment route, following enforcement pressure on the Caribbean. West Africa is primarily used because governance and enforcement are not highly developed. Fishing boats then take the cocaine on to the Iberian countries.

The EU has set up a Lisbon based agency to focus interdiction (MAOC-N, the Maritime Analysis and Operational Centre on Narcotics) and various other initiatives, the idea being to have intelligence-led and globally cooperative enforcement.

In the historical perspective, however, if we examine the technological and programmatic changes in this struggle between dealers and law enforcement, the dealers have always kept a step ahead. They have the initiative; lots of funds, inelastic demand, and the mobility that comes with not being territorially based. There are always new regions where governance is poor and poverty sharp, and these provide the channels that the traffic uses. It's a hydra and it isn't going anywhere unless humans stop wanting to take things that change their minds and moods.

## **8. SOCA's role and the wholesale price of cocaine**

We have recently heard from SOCA that their interdiction work has led to the price of cocaine rising by about 25%. This rise has come about at the same time that Sterling has fallen against the Dollar by about the same amount. The international cocaine trade is of course based in US Dollars and we would therefore suggest that the recent price increase in the UK has much more to do with these currency issues and little to do with anything that SOCA has done.

## 9. Police response: possession and dealing

It seems that police responses to cocaine possession and dealing offences can differ vastly depending on the policing area and individual(s) concerned. As far as possession is concerned, there is some evidence that wealthier individuals and celebrities get treated far more leniently than those who are less socially privileged (see for example the case of the Tetra Pak heirs). Despite Ian Blair's vow to target middle class cocaine users who think it is "socially acceptable", it may be that police response to cocaine is sometimes mitigated by the fact that it is still often viewed as a more widely tolerable drug in today's commercial and competitive society than other drugs such as heroin.

The police and courts have a tendency to come down very heavily on all possession with intent to supply cases, regardless of possible mitigating circumstances. The police will almost always charge in such cases and the individual will usually be sent to the Crown Court for sentencing. One such example would be a youth who is acting as a "courier" and may be found with several wraps but no cash and the mitigating circumstances of being socially and/or financially obliged to courier drugs; in our experience such cases are often sent from the Youth Court to the Crown Court and a lengthy custodial sentence is then handed down. While this may be an attempt to deal with curbing commercial operations using deterrent sentences, these sentences often do not mirror the extent of culpability as far as the individual is concerned and can lead to greater social and personal problems in the long-term.

There also seems to be some discrepancy when it comes to the police and Crown Prosecution Service deciding what might constitute personal possession of cocaine and what might constitute possession with intent to supply. One individual might successfully plead that his 7 wraps of cocaine were all for personal use, where another might be charged with possession with intent to supply. Although other surrounding evidence such as large amounts of cash must be taken into account, it is our experience that the decision as to which charge to lay is often arbitrary and therefore can be unreasonable.

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